REMARKS

Claims 1-15 are pending in this application.

Applicant has amended claims 1, 2, 6, 7, 12, and 13. In addition, Applicant has made minor changes to the specification. These changes do not introduce any new matter.

Rejection Under 35 U.S.C. § 101

Applicant respectfully requests reconsideration of the rejection of claims 1-11 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter (Applicant notes that the body of the rejection also refers to claims 14 and 15, but that these claims are not included in the statement of the rejection). Applicant has amended the claims of the subject application to bring the claimed subject matter into compliance with the Office's current section 101 guidelines and the recent court decision in the *Bilski* case, as understood by Applicant.

In particular, Applicant has amended each of independent claims 1 and 6 to specify that the components of the image processing apparatus are executed by an integrated circuit. Applicant has amended each of independent claims 12 and 13 to specify that 1) the graphics data representing the single seamless planar image is output to a device selected from the group consisting of a printing device, a display device, and a storage device, and 2) each of the steps of the image processing method is executed by an integrated circuit.

With regard to independent claims 14 and 15, Applicant respectfully traverses the Examiner's characterization of these claims as not specifying a computer readable medium. As defined in each of claims 14 and 15, the claimed computer program product includes a computer readable medium, and a computer program stored on the computer readable medium. The term "computer readable medium" is defined in Applicant's specification (see, for example, page 22, lines 19-25). Further, Applicant has amended the specification to

remove the reference to data signals that include computer programs and are embodied in carrier waves.

Accordingly, Applicant submits that claims 1-11, as amended herein, define statutory subject matter under 35 U.S.C. § 101, and requests that the rejection of these claims thereunder be withdrawn. Applicant further submits that claims 12-15, as amended herein, define statutory subject matter under 35 U.S.C. § 101.

Rejections Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 1-3, 5, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Hsu et al.* ("*Hsu*") (US 6,078,701) in view of *Chen et al.* ("*Chen*") (US 6,486,908 B1). As will be explained in more detail below, the combination of *Hsu* in view of *Chen* would not have rendered the subject matter defined in independent claims 1, 12, and 14, as amended herein, obvious to one having ordinary skill in the art.

Applicant has amended independent claim 1 to clarify that the spheroidal image synthesizer executes the synthesis in a three-dimensional space.

In formulating the obviousness rejection of claim 1, the Examiner asserts that the *Hsu* reference discloses a "feature point extractor" as claimed. Applicant respectfully traverses the Examiner's characterization of the *Hsu* reference relative to the claimed subject matter. The *Hsu* reference does not disclose or suggest the claimed feature point extractor for at least the reason that *Hsu* does not use feature points when synthesizing seamless spheroidal graphics data from two pieces of image data. In column 4, line 67, to column 5, line 6, *Hsu* states "the topology determination module 302 determines which frames in a sequence overlap and hence are neighbors on the appropriate manifold. The topology determination process is an iterative process that is performed after frames have been coarsely positioned with respect to one another and specific transformations of all the overlapping images can be computed."

This description demonstrates that *Hsu* does not use feature points when synthesizing seamless spheroidal graphics data, but rather executes iterative processes to determine the position of the frame images. As such, the *Hsu* reference does not disclose or suggest the feature point extractor specified in present claim 1.

In formulating the obviousness rejection of claim 1, the Examiner relies on the *Chen* reference as disclosing the claimed "synthesis area establisher." In Figures 13 and 14, the *Chen* reference shows the synthesis of *planar* images. On the other hand, as specified in present claim 1, the synthesis is executed in a *three-dimensional space*.

In view of the foregoing, even if one having ordinary skill in the art were to combine the *Hsu* and *Chen* references in the manner proposed by the Examiner, the result of this combination would not have included each and every feature of the subject matter defined in present claim 1. As such, the combination of *Hsu* in view of *Chen* would not have rendered the claimed subject matter obvious to one having ordinary skill in the art.

Independent claim 12 defines an image processing method that corresponds to the functionality of the image processing apparatus defined in present claim 1. Independent claim 14 defines a computer program product including a computer readable medium having a computer program stored thereon. The computer program causes a computer to implement functionality that corresponds to that of the image processing apparatus defined in present claim 1. As such, the arguments set forth above regarding present claim 1 are also applicable to claims 12 and 14.

Accordingly, independent claims 1, 12, and 14, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Hsu* in view of *Chen*. Claims 2, 3, and 5, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Hsu* in view of *Chen* for at least the same reasons set forth above regarding claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 6, 8, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Lipscomb et al.* ("*Lipscomb*") (US 6,031,541) in view of *Hsu*. As will be explained in more detail below, the combination of *Lipscomb* in view of *Hsu* would not have rendered the subject matter defined in independent claims 6 and 13, as amended herein, obvious to one having ordinary skill in the art.

Applicant has amended independent claim 6 to clarify that the cylindrical image synthesizer executes the synthesis in a three-dimensional space.

In formulating the obviousness rejection of claim 6, the Examiner relies upon the *Hsu* reference as disclosing the claimed feature point extractor. As discussed above, however, the *Hsu* reference does not disclose or suggest a feature point extractor as specified in the claimed subject matter. Thus, even if one having ordinary skill in the art were to combine the *Lipscomb* and *Hsu* references in the manner proposed by the Examiner, the result of this combination would not have included each and every feature of the subject matter defined in present claim 6. As such, the combination of *Lipscomb* in view of *Hsu* would not have rendered the claimed subject matter obvious to one having ordinary skill in the art.

Independent claim 13 defines an image processing method that corresponds to the functionality of the image processing apparatus defined in present claim 6. As such, the arguments set forth above regarding present claim 6 are also applicable to claim 13.

Accordingly, independent claims 6 and 13, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Lipscomb* in view of *Hsu*. Claim 8, which depends from claim 6, is likewise patentable under 35 U.S.C. § 103(a) over the combination of *Lipscomb* in view of *Hsu* for at least the same reasons set forth above regarding claim 6.

Applicant respectfully requests reconsideration of the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Hsu* in view of *Chen* and further in view of *Muramatsu* (US 5,438,380). Claim 4 ultimately depends from claim 1. The deficiencies of

the combination of the *Hsu* and *Chen* references relative to the subject matter defined in present claim 1 are discussed above. The *Muramatsu* reference does not cure the above-discussed deficiencies of the combination of the *Hsu* and *Chen* references relative to the subject matter defined in present claim 1. Accordingly, claim 4 is patentable under 35 U.S.C. § 103(a) over the combination of *Hsu* in view of *Chen* and *Muramatsu* for at least the reason that this claim ultimately depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 7, 9, 11, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Lipscomb* in view of *Hsu* and *Chen*. Each of claims 7, 9, and 11 ultimately depends from claim 6. Independent claim 15 defines a computer program product including a computer readable medium having a computer program stored thereon. The computer program causes a computer to implement functionality that corresponds to that of the image processing apparatus defined in present claim 6. As discussed above, the combination of *Lipscomb* in view of *Hsu* does not disclose each and every feature of present claim 6 for at least the reason that this combination does not include the claimed feature point extractor. The *Chen* reference does not cure this deficiency of the combination of *Lipscomb* in view of *Hsu* relative to the subject matter defined in present claim 6. Accordingly, claims 7, 9, 11, and 15 are patentable under 35 U.S.C. § 103(a) over the combination of *Lipscomb* in view of *Hsu* and *Chen* for at least the same reasons set forth above regarding present claim 6.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-15, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in

connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP160).

Respectfully submitted,
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